United Nations A/59/760–S/2005/214

General Assembly
Security Council

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General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 29 March 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 28 March 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

05-29025 (E) 010405

Annex to the letter dated 29 March 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 9 January 2005, addressed to you by the Greek Cypriot representative, which was circulated as a document of the General Assembly and of the Security Council (A/59/699-S/2005/85) on 11 February 2005 and to bring to your kind attention the following.

It should be underlined that none of the Security Council resolutions to which references are made in the Greek Cypriot representative's letter describe the legitimate and justified Turkish intervention of 1974, undertaken in accordance with the treaty of Guarantee of 1960, as "invasion" or the presence of Turkish troops in the island as "occupation". Such distortions are purely a Greek Cypriot invention aimed at blurring the issue and confusing the innocent with the guilty. On this point, I would only like to recall the dramatic statement made by Archbishop Makarios before the Security Council on 19 July 1974 in which he stated and I quote:

> "What was happening in Cyprus since last Monday is a real tragedy. The military regime of Greece has callously violated the independence of Cyprus. Without a trace of respect for the democratic rights of the Cypriot people, without a trace of respect for the independence and sovereignty of the Republic of Cyprus, the Greek junta has extended its dictatorship to Cyprus ... It [the coup of the Greek junta] is clearly an invasion from outside, in flagrant violation of the independence and sovereignty of the Republic of Cyprus ... The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks ... The Security Council should call upon the military regime of Greece to withdraw from Cyprus the Greek officers serving in the National Guard, and to put an end its invasion of Cyprus."

It is, in fact, true that there is an occupation in Cyprus and it is the 42-year-old usurpation and continued occupation of the seat of government by the Greek Cypriot side since 1963, when all Turkish Cypriot members of all State organs were forcibly ejected from their positions. The Turkish Cypriot partner did not accept this attempted take-over of the bi-national State by the Greek Cypriot side and, through its national resistance, prevented the Greek Cypriot side from extending its authority over the Turkish Cypriot people. In consequence, since December 1963, there has not been a joint central administration in the island, capable of representing the whole of Cyprus, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus".

Although this is not the first time that the Greek Cypriot administration has tried to mislead the international community by deliberately disseminating fraudulent and imaginary information, this time, however, it has gone to the extent of absolute falsification. The fictitious and ridiculous figures included in the letter regarding the arrival of new so-called "settlers" from Turkey and that Turkey is aiming to double the population in the North are totally baseless and ought to be considered as figments of imagination.

Almost a year has elapsed since the separate simultaneous referendums held in Cyprus on your settlement plan on 24 April 2004, in which the Greek Cypriot side, at the behest of their leadership, resoundingly voted against settlement and sharing the benefits of European Union membership with Turkish Cypriots who, on the other hand, overwhelmingly voted for compromise and a common future with the Greek Cypriots in the European Union. The plan was a compromise plan, which had the backing of the international community as a whole. As stated in your subsequent mission of good offices report (S/2004/437, annex III) dated 28 May 2004, "the Turkish Cypriots, who approved the plan notwithstanding the significant sacrifices that it entailed for many of them". The Greek Cypriot representative understandably took special care not to make a single reference to your settlement plan. The grave responsibility of the Greek Cypriot leadership in the rejection of the plan is, and will be, a heavy burden on the Greek Cypriot side.

It hardly needs to be stressed that the plan, among other things, provided for a phased reduction of both Turkish and Greek forces in the island according to a fixed timetable. Therefore, the Greek Cypriot side should cease to level untenable accusations against Turkey and be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, within the context of the efforts aimed at finding a settlement in the island.

Responding to the remarks of the Greek Cypriot representative regarding the transactions involving the sale of property in the Turkish Republic of Northern Cyprus, I would like to underline, once again, that such transactions are a matter concerning only the relevant authorities of the State. The claim of the Greek Cypriot representative that the property transactions taking place in the North are unlawful is totally unfounded. The fact that the Greek Cypriot administration has threatened, with publicizing their names and humiliating them before the public, Greek Cypriots, who have had the courage to file claims within the framework of the legal mechanism set up to address the property claims of the Greek Cypriot people in the North, is a clear indication that its aim is not to address the problem in a mutually acceptable way. The Greek Cypriot side should be made to understand that it cannot have the luxury of rejecting a fair settlement and at the same time expect everything else to remain constant.

The Greek Cypriot representative is also not convincing when he refers in his letter to the so-called commitment of the Greek Cypriot administration to assist the economic advancement of the Turkish Cypriot people, when the same administration continues to block the adoption by the European Council of the Commission's financial aid and direct trade regulations for Northern Cyprus in particular, and any other step to be taken in this direction by the international community, in general. Despite this fact, the Greek Cypriot representative has gone as far as claiming that it was the Greek Cypriot administration who was behind the European Union Council of Ministers decision of 26 April 2004 to put an end to the isolation of the Turkish Cypriot people, although it was not even a full member of the Union on that date.

Indeed, the Greek Cypriot administration is continuing with its regressive moves against the Turkish Cypriot people, which are not conducive to the search for a new window of opportunity to overcome the current impasse created by the Greek Cypriot rejection of your 2004 settlement plan. In this context, most recently, the Greek Cypriot administration have declared 2005 as "The Year for Remembrance

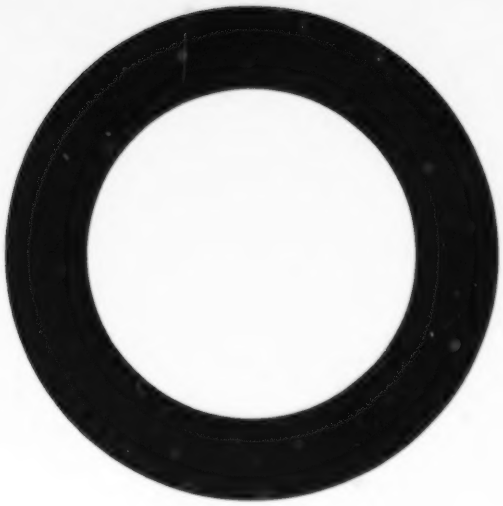
and Honouring of EOKA Liberation Struggle". It would be remembered that EOKA was a Greek Cypriot terrorist organization responsible for the killing of many Turkish Cypriot and British citizens as well as the Greek Cypriots who disagreed with its ultimate goal of the annexation of the island to Greece (enosis).

Regarding the Greek Cypriot representative's remarks pertaining to a political settlement in Cyprus, I would like to refer, once again, to your mission of good offices report (S/2004/437) dated 28 May 2004, in which you stated and I quote: "what was rejected [by the Greek Cypriots] was the solution itself rather than a mere blueprint". Therefore, the endeavour of the Greek Cypriot representative to create a smoke screen before this undeniable fact and shun his side's grave responsibility for the current impasse is a desperate attempt. Furthermore, in the same report you also stated and I quote: "if the Greek Cypriots are ready to share power and responsibility with the Turkish Cypriots in a federal structure based on political equality, this needs to be demonstrated, not just by words, but by action" and "if they [Greek Cypriots] remain willing to resolve the Cyprus problem through a bicommunal, bizonal federation, this needs to be demonstrated. Lingering Greek Cypriot concerns about security and implementation of the plan need to be articulated with clarity and finality." Despite this call being reiterated by you on various occasions, it has not yet been properly responded to by the Greek Cypriot leadership. The failure and the unwillingness of the Greek Cypriot side to do so clearly demonstrates that it is not, and has never been, interested in a mutually acceptable settlement, despite continuously professing to the contrary.

Turkish Cypriot people are for a new partnership in Cyprus as unequivocally reflected in the results of the referendums held in the island in 2004. Bizonality, sovereign equality and the continuation of the 1960 system of guarantees are essential ingredients of a viable and lasting settlement. In order to have a realistic chance of achieving this goal, the Turkish Cypriot side must have a negotiating partner who has come to terms with its heavy responsibility in the creation of the Cyprus issue, and who is willing and able to negotiate for a new partnership free of the devious tactics employed hitherto. As a first step, the Greek Cypriot side, without further delay, should heed to your call and pronounce itself with finality and clarity on the questions you have put to it.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus



United Nations A/59/761–S/2005/215

General Assembly
Security Council

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31 March 2005

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General Assembly
Fifty-ninth session
Agenda items 36, 37, 62 and 148

The situation in the Middle East

Question of Palestine

Establishment of a nuclear-weapon-free zone in the region of the Middle East

Measures to eliminate international terrorism

Security Council
Sixtieth year

Letter dated 22 March 2005 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

I have the pleasure to enclose herewith the press statement issued at the ninety-fourth regular session of the Ministerial Council of the Gulf Cooperation Council, which was held in Riyadh on 13 March 2005.

I would appreciate it if you would issue the present letter and its annex as a document of the General Assembly, under agenda items 36, 37, 62 and 148, and of the Security Council.

(*Signed*) Tawfeeq Ahmed **Almansoor**
Ambassador
Permanent Representative

05-29117 (E) 050405 060405

Annex to the letter dated 22 March 2005 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

[Original: Arabic]

Press statement issued at the ninety-fourth regular session of the Ministerial Council of the Gulf Cooperation Council 3 Safar A.H. 1426 (13 March A.D. 2005)

The Ministerial Council held its ninety-fourth regular session on Sunday, 3 Safar A.H. 1426 (13 March A.D. 2005), in Riyadh, Kingdom of Saudi Arabia, under the chairmanship of His Excellency Sheikh Mohammed bin Mubarak Al Khalifah, Deputy Prime Minister, Minister for Foreign Affairs of the State of Bahrain and chairman of the current session of the Ministerial Council. Attending was His Excellency Abdul Rahman bin Hamad Al-Attiyah, Secretary-General of the Gulf Cooperation Council (GCC).

The Ministerial Council offers sincerest well wishes to the Custodian of the Two Holy Mosques, King Fahd bin Abdul Aziz, King of the Kingdom of Saudi Arabia, on the occasion of the municipal elections, significant as these are in strengthening and firmly establishing the process of development and modernization, and beseeches God Almighty to ensure His Majesty's lasting health and well-being, give him succour and grant him good fortune. May he achieve for the fraternal Saudi Arabian people the progress, growth and prosperity to which they look forward under his prudent leadership and may he also continue to play a part in the auspicious work of the GCC.

The Ministerial Council expressed its strong condemnation of the evil bombing which took place in the Lebanese capital of Beirut on Monday, 14 February 2005, resulting in martyrdom of the former prime minister of Lebanon, Mr. Rafik Hariri, along with several of his escorts, and in injury to others. It offered its sympathies and condolences to the family of the deceased, to the families of the other victims and to the fraternal Lebanese people. It affirmed the full rejection by the GCC States of such terrorist acts, which target innocent lives and spread chaos and destruction. It further called on its Lebanese brothers to overcome the crisis, preserve Lebanon's unity and stability, reflect on dialogue between the different political forces and avoid any action that may sow disunion and division. It also called for a swift and transparent investigation into the assassination of the martyred leader Rafik Hariri.

The Ministerial Council applauded the decision of the Government of the Syrian Arab Republic to withdraw fully from Lebanon.

The Ministerial Council welcomed the hosting by the Kingdom of Saudi Arabia of the third summit meeting of heads of State of the Organization of Petroleum-Exporting Countries and the initiative of the State of Qatar to host the United Nations Human Rights Centre for South-East Asia and the Arab region. It also welcomed the adoption of and support for the draft resolution to be submitted to the sixtieth session of the United Nations General Assembly.

The Ministerial Council reviewed the successes achieved since the previous session in various areas of joint cooperation, as well as developments in connection with regional and international political and security issues.

In regard to economic issues, the Ministerial Council examined the reports and minutes of numerous economic committees and reviewed the minutes of the eighth meeting of the ministerial committee on transport and communications concerning cooperation among the Gulf States in matters of transport. It also reviewed the progress in the draft economic feasibility study of the railway network. In addition, it reviewed the outcome of the visit by the GCC Secretary-General to the Republic of Yemen during the period 7-8 March 2005, including his meeting with senior officials there and his talks with the Minister for Foreign Affairs of the Republic of Yemen, emphasizing that it was important both to continue and to strengthen cooperation between the GCC and the Republic of Yemen.

In regard to relations between the States of the GCC and those of the European Union, the Ministerial Council welcomed the convening of the fifteenth joint GCC-European Union ministerial meeting in the Kingdom of Bahrain on 5 April 2005.

In the area of human and environment affairs, the Ministerial Council considered the outcome of the meetings of the competent ministerial committees on cultural affairs, education, municipal affairs and scout organizations and associations. It also discussed the decisions reached by Their Highnesses and ministers of culture of the GCC States concerning a centre for people's heritage and took the necessary decision in that connection. In addition, it examined the decisions of the Council of Ministers of Health, in particular concerning the adoption of an instrument designed to ensure development of the health systems in the GCC States, the implementation of programmes for the prevention of communicable and non-communicable diseases, implementation of the Global Strategy on Diet, Physical Activity and Health, and the establishment of the Gulf Council for Nursing Specializations. It stressed the importance of the latter in strengthening joint cooperation in the field of health.

In regard to military matters, the Ministerial Council examined the progress in military cooperation, particularly concerning the completion of arrangements for the joint defence agreement, as well as the progress of work on joint military projects and in the other areas in question.

Although satisfied with the measures and studies carried out, the Council stressed that it was important to complete the other outstanding matters in the field of military cooperation in the light of the decisions adopted in that regard.

In regard to security coordination and cooperation, the Ministerial Council examined recent security developments at the regional and international levels, in particular the growing phenomenon of terrorism and terrorist acts confronting the world. The Council emphasized the importance of tackling that problem, which continued to pose a threat to international peace and security. On the basis of the well-established positions of the GCC States on the subject, the Council reiterated its condemnation of the terrorist acts carried out by rogue elements in a number of GCC States and affirmed its support for all measures taken by the security apparatuses in the two States to counter such heinous acts.

In that context, the Council expressed its appreciation for the initiative of the Kingdom of Saudi Arabia in calling for an international conference on counter-

terrorism, which was held in Riyadh during the period 5-8 February 2005. The Council asserted its welcome of and support for the Riyadh Declaration and the recommendations issued, most importantly the proposal of His Royal Highness Prince Abdullah bin Abdul Aziz concerning the establishment of an international centre for counter-terrorism, which will undoubtedly make a vital and effective contribution to supporting the international efforts to combat terrorism.

The Ministerial Council renewed its full support for and solidarity with the Kingdom of Saudi Arabia in regard to its efforts and the measures being taken to maintain security and stability and eliminate the rogue group which employs criminal terrorist acts systematically rejected by all religious laws and by humanitarian and moral values and principles. It also affirmed that the true Islamic religion is founded on justice, compassion and tolerance and that it prohibits and criminalizes the performance of any act in which innocent people are ultimately attacked and harmed, for Islam safeguards the innocent and forbids all killing of, threat to and torture of innocent persons.

The Ministerial Council surveyed the progress of security coordination and cooperation among the member States and expressed its satisfaction with the measures and steps adopted by those member States in the matter, particularly in regard to counter-terrorism.

The Ministerial Council considered the question of the continuing occupation by the Islamic Republic of Iran of the three islands of the Greater Tunb, the Lesser Tunb and Abu Musa, which belong to the United Arab Emirates, and reaffirmed its well-established positions, as follows:

- To support the rightful sovereignty of the United Arab Emirates over its three islands and over the territorial waters, airspace, continental shelf and exclusive economic zone of those three islands, being an integral part of the United Arab Emirates;
- To express regret at the failure of contacts with the Islamic Republic of Iran to produce positive results conducive to resolution of the question of the three islands in order to promote the strengthening of security and stability in the region;
- To reject categorically the recent announcement by the Iranian Government of its intention to establish a memorial on the island of Abu Musa, which belongs to the United Arab Emirates and is occupied by the Islamic Republic of Iran, and to regard such action as an attempt to change the features of the island and as an act of provocation that is unhelpful to peaceful resolution of the existing dispute;
- To recall the resolutions of the Supreme Council that emphasize the pursuit of all peaceful methods leading to restoration of the right of the United Arab Emirates to its three islands;
- To invite the Government of the Islamic Republic of Iran to respond to the efforts of the United Arab Emirates and the international community to resolve the question through direct negotiations or recourse to the International Court of Justice.

The Ministerial Council examined the overall developments in the situation in Iraq and, following a comprehensive evaluation, resolved as follows:

– To welcome the success of the electoral process in the brother country of Iraq, a process that is regarded as an important step along the political way towards the restoration of Iraq's full sovereignty and independence;

– To express the hope that this step will help in ensuring that the results of the Iraqi elections are used to achieve national reconciliation and establish unity among the Iraqi people of all groups and descriptions with a view to participation in the political process with the aim of building Iraq's future and achieving its prosperity;

– To underline the importance of involving the entire political spectrum in the political process and in the shaping of Iraq's immediate future;

– To reaffirm the rejection by the GCC States of any action that may fragment Iraq, as well as reaffirm the need for preservation of Iraq's sovereignty, independence and territorial integrity, for non-interference in its internal affairs and for all parties to commit to that same approach;

– To further condemn all bombings and terrorist acts targeted at civilians and at humanitarian and religious institutions, as well as the abduction and exemplary punishment of innocent people, and to express sympathies and condolences to the families of the victims of such crimes and solidarity with the countries concerned;

– To condemn the serious human rights violations perpetrated by the former Iraqi regime during its occupation of Kuwait, to reiterate its sincere condolences to the families of victims known to have died and its appreciation to the International Committee of the Red Cross and the Tripartite Commission for seeking the Kuwaiti and third-country prisoners and missing persons whose fate and whereabouts are still unknown, to call on all parties to continue working together in order to bring an end to the matters pending in connection with this humanitarian question and to underline the importance of the return of Kuwaiti property and the national archives;

– To urge the United Nations, in cooperation with the Iraqi Government, to make every effort to secure the return of Kuwaiti property and the national archives of Kuwait, which were seized by the former Iraqi regime during the period of its occupation of Kuwait.

The Ministerial Committee reviewed the developments in the Palestinian question and in the Middle East peace process and resolved as follows:

– To congratulate and welcome President Mahmoud Abbas, who holds the chairmanship of the Palestinian National Authority, and to express hope that the new Palestinian Government will successfully continue to be united in solidarity and cooperation in meeting the challenges ahead so that the fraternal Palestinian people may achieve its aspirations for the establishment of its own independent State on its national soil, with Al-Quds Al-Sharif as its capital;

– To commend the prudence and sense of responsibility shown by the Palestinian leadership and influential forces on the Palestinian stage in dealing with developments and events in a positive manner likely to bring about calm, using such appropriate opportunities and circumstances as are available to resume negotiations and revive the peace process in order to serve their just cause and

thereby achieve the hopes and aspirations of the fraternal Palestinian people in obtaining all of their legitimate rights;

– To welcome the outcome of the Sharm al-Shaykh summit held on 8 February 2005, which affirmed the commitment of both parties to the ceasefire, and to express its hope that it will help to put the peace process back on track as soon as possible, in accordance with the principles and requirements contained in the road map, the Arab initiative and the resolutions that embody international legitimacy;

– To emphasize that the achievement of a just and comprehensive peace demands the full Israeli withdrawal from all occupied territories in Palestine, from the occupied Syrian Golan Heights to the line of 4 June 1967 and from the Shab'a farmlands in southern Lebanon;

– To express appreciation to President George W. Bush for the ongoing efforts of the United States Administration aimed at preparing the right climate and providing the necessary support for the resumption of negotiations between the Palestinian and Israeli sides, and at using the positive atmosphere in the Middle East to move towards the achievement of a just and comprehensive peace for all parties, in which context the Ministerial Council congratulated Ms. Condoleezza Rice on her assumption of the office of United States Secretary of State and urged her to continue the effective efforts in that regard;

– To welcome the outcome of the London conference in support of the Palestinian Authority, held on 1 March 2005, to express appreciation for the tremendous efforts of the British Prime Minister Tony Blair aimed at reviving the peace process and to call on the Quartet to pursue the efforts to follow up implementation of the road map;

– To call on the international community to take action to turn the Middle East, including the Gulf region, into a zone free of all weapons of mass destruction, and to bring pressure to bear on Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and subject all of its nuclear facilities to the international inspection regime of the International Atomic Energy Agency, to be regarded as a basis for any future security arrangements.

The Ministerial Council reviewed the developments in the situation in the Sudan and welcomed the signature of the final peace accord in Nairobi on 9 January 2005 between the Sudanese Government and the Sudan People's Liberation Movement as an important historic event that should bring to an end the tumultuous period in the history of the Sudan and promote the attainment of a similar peace accord for the region of Darfur so that security, stability and prosperity may be restored to our brother country of the Sudan.

The Ministerial Council welcomed the appointment of General Muhammad Ali Fadl Al-Nu'aymi of the Kingdom of Bahrain as Assistant Secretary-General for security affairs for a three-year term, with effect from 1 January 2005, and wished him ongoing success in his mandate.

Issued in Riyadh
Sunday, 3 Safar A.H. 1426
(13 March A.D. 2005)

United Nations S/2005/216

Security Council

Distr.: General
31 March 2005

Original: English

Letter dated 29 March 2005 from the Secretary-General to the President of the Security Council

I have the honour to refer to paragraph 34 of my report to the Security Council dated 20 July 2000 (S/2000/718), in which I expressed my intention to appoint a senior official to be based in Beirut and help coordinate United Nations activities with regard to southern Lebanon.

I have now decided to appoint Geir O. Pedersen to undertake the corresponding function, at the level of Assistant Secretary-General, as my Personal Representative for southern Lebanon. He will be succeeding Staffan de Mistura, who has been appointed as my Deputy Special Representative for Iraq. Mr. Pedersen will be working in close coordination with the United Nations Special Coordinator for the Middle East Peace Process, and will take up his new assignment in Beirut in the near future.

(*Signed*) Kofi A. **Annan**

05-29241 (E) 010405

United Nations S/2005/217

Security Council

Distr.: General
31 March 2005

Original: English

Letter dated 31 March 2005 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 29 March 2005 (S/2005/216) concerning your decision to appoint Geir O. Pedersen to serve as your Personal Representative for southern Lebanon has been brought to the attention of the members of the Security Council. They take note of the information and decision contained in your letter.

(*Signed*) Ronaldo Mota **Sardenberg**
President of the Security Council

05-29253 (E) 010405

United Nations S/2005/218

Security Council

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31 March 2005

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Taking note of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur (S/2005/60),

Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect,

Also recalling articles 75 and 79 of the Rome Statute and encouraging States to contribute to the ICC Trust Fund for Victims,

Taking note of the existence of agreements referred to in Article 98-2 of the Rome Statute,

Determining that the situation in Sudan continues to constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to refer the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court;

2. *Decides* that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully;

3. *Invites* the Court and the African Union to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;

4. *Also encourages* the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur;

05-29279 (E) 310305

5. *Also emphasizes* the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary;

6. *Decides* that nationals, current or former officials or personnel from a contributing State outside Sudan which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that contributing State for all alleged acts or omissions arising out of or related to operations in Sudan established or authorized by the Council or the African Union, unless such exclusive jurisdiction has been expressly waived by that contributing State;

7. *Recognizes* that none of the expenses incurred in connection with the referral including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

8. *Invites* the Prosecutor to address the Council within three months of the date of adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;

9. *Decides* to remain seized of the matter.

United Nations S/2005/219

Security Council

Distr.: General
31 March 2005
English
Original: Arabic

Letter dated 23 March 2005 from the representatives of Lebanon and the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

We, the undersigned, the Permanent Representative and the Chargé d'affaires a.i., present our compliments to the President of the Security Council and, with reference to the meeting held by the Syrian-Lebanese Higher Council in Damascus on 7 March 2005, have the honour to transmit to you the text of the closing statement.

We should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires a.i.
Permanent Mission of the Lebanese Republic

(*Signed*) Fayssal **Mekdad**
Ambassador
Permanent Representative of the Syrian Arab Republic

05-29335 (E) 040405 040405

Annex to the letter dated 23 March 2005 from the representatives of Lebanon and the Syrian Arab Republic to the United Nations addressed to the President of the Security Council

Joint statement from the meeting of the Syrian-Lebanese Higher Council

Damascus, 7 March 2005

At the invitation of Mr. Bashar Al-Asad, President of the Syrian Arab Republic, General Emile Lahoud, President of the Lebanese Republic, visited the Syrian Arab Republic at the head of an official delegation. During this visit, a meeting of the Syrian-Lebanese Higher Council, attended by its secretary-general Mr. Nasri Khouri, was held under the chairmanship of Presidents Al-Asad and Lahoud.

Both sides asserted that, in these difficult circumstances and in view of the challenges facing the two countries, this meeting affirmed the determination of both States to widen further the path of cooperation and coordination between them and follow up with transparency and precision the implementation of the Treaty and Agreements signed in that context, in such a manner as to achieve the joint interest of the two countries. Both sides indicated their firm resolve to repair any damage to that path within the framework of the joint agencies and institutions established under the Treaty, which remains the only proper legal framework for dealing with difficulties and obstacles and for developing ideas concerning the future prospects for these fraternal relations that should be translated into reality by way of measures, projects and attitudes that reflect the historic, grass-roots, social, economic, cultural and political dimensions of those relations.

Each side confirmed its country's commitment to the Taif Agreement and its mechanisms, to the Treaty of Brotherhood, Cooperation and Coordination and to the agreements arising out of the latter. They also renewed their commitment to their well-established joint strategic positions in countering present and future challenges, together with their commitment to seek the achievement of a just and comprehensive peace based on the relevant United Nations resolutions, the Madrid terms of reference, the principle of land for peace and their mutual respect for all resolutions of international legitimacy, including resolution 1559 (2004). They stressed the need for implementation of those resolutions without selectivity or double standards.

The gathering then moved on to a discussion of the agenda proposed by the secretary-general of the Syrian-Lebanese Higher Council on the basis of the report which he presented. In the light of the discussion, it was decided as follows:

1. On the basis of the provisions of the Taif Agreement and article 4 of the Treaty of Brotherhood, Cooperation and Coordination signed on 22 June 1991 between the two countries, as well as on the basis of its commitment to the Charter of the United Nations and respect for the resolutions of international legitimacy, the Council has decided as follows:

(a) To withdraw the Syrian Arab forces stationed in Lebanon to the Bekaa region and the entrance to the Western Bekaa at Dahr al-Baydar to as far as the Hammana-Mudayrij-Ayn Dara line before the end of March 2005;

(b) To assign to the Joint Military Committee the task of drawing up, within a maximum period of one month from the date of the withdrawal of the Syrian forces to the Bekaa region in accordance with subparagraph (a), an agreement determining both the size and the period of stay of the Syrian forces present in the above-mentioned regions, as well as the relationship of those forces with the Lebanese State authorities in the locations where they are present;

(c) At the end of the agreed period of stay of the Syrian forces present pursuant to subparagraph (b), the Syrian and Lebanese Governments shall agree on completion of the withdrawal of the remaining Syrian Arab forces.

2. On the basis of the provisions of article 6 of the Treaty of Brotherhood, Cooperation and Coordination, the Council has decided:

(a) To call on the Follow-Up and Coordination Commission to meet as soon as possible under the co-chairmanship of the two prime ministers in order to follow up the work of all joint ministerial committees, as well as examine and approve all matters implemented during the previous stage, such meetings to be periodically convened every six months;

(b) To call on the Defence and Security Affairs Committee to meet as soon as possible in order to reconstitute the two defence and security committees, the two military follow-up and security follow-up committees and the two joint technical committees provided for in the Defence and Security Agreement, as well as draw up implementing programmes for the said Agreement, such meetings to be periodically convened every three months;

(c) To call on the Foreign Affairs Committee to meet as soon as possible in order to constitute a joint follow-up committee and formulate a joint action programme to meet the present challenges, such meetings to be convened periodically every two months;

(d) To call on all other joint ministerial committees, in particular the Economic and Social Committee, to follow up and, where necessary, step up their periodic meetings in order to accelerate implementation of the Agreements signed and the decisions taken in connection with the operation of a series of joint projects

United Nations S/2005/220

Security Council

Distr.: General
4 April 2005

Original: English

Letter dated 31 March 2005 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Haiti from 13 to 16 April 2005, which I will lead as head of mission. The members of the Council have agreed on the terms of reference of the mission, a copy of which is enclosed herewith (see annex).

The composition of the mission will be forwarded to you shortly.

The mission will be held in conjunction with the mission of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council.

I would be grateful if you could have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Ronaldo Mota **Sardenberg**
President of the Security Council

05-29485 (E) 040405

Annex

Terms of reference for the Security Council mission to Haiti, 13-16 April 2005

1. The Security Council has decided to organize a mission to Haiti led by Brazil, in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council. The visit will take place from 13 to 16 April 2005.

2. The mission has the following objectives:

(a) To convey the following message to local actors:

(i) To express its full support for the United Nations Stabilization Mission in Haiti (MINUSTAH) and for the United Nations presence in Haiti as long as necessary;

(ii) To underscore the long-term commitment of the international community to stabilization and development in Haiti, and the need for continuing support of international and regional organizations to that end;

(iii) To underline the leading role and the responsibilities of the Transitional Government in its efforts to attain those objectives;

(iv) To stress the need for improved coordination between the Transitional Government and MINUSTAH to ensure security. To reaffirm and commend the continuing support of MINUSTAH for the efforts of the Transitional Government;

(v) To reiterate the need to reject violence, to respect human rights and to fight against impunity;

(vi) To call upon all parties to engage fully in the electoral process according to the calendar proposed by the Provisional Electoral Council and to support the holding of free and fair elections, at both the local and national levels, during 2005 and the subsequent transfer of power to the elected authorities;

(vii) To stress the utmost importance of the immediate launch of an inclusive national dialogue based on the ownership of the Haitian people;

(viii) To convey the determination of the Security Council to see that all pledged funds are promptly disbursed;

(b) To assess the level of coordination of MINUSTAH in each aspect of its mandate, and between the capital and the outlying regions of Haiti;

(c) To review the progress achieved so far and to assess the needs and requirements in the following areas:

(i) Security:

a. Police. To assess the current situation of the Haitian National Police and mechanisms for its reform and the creation of a credible, accountable and respected police force;

b. MINUSTAH. To assess the implementation of the MINUSTAH security mandate and the way ahead, taking into account the current capacity of

the Haitian National Police and enhancing its coordination with MINUSTAH;

c. Disarmament, demobilization and reintegration. To evaluate steps towards the implementation of a disarmament, demobilization and reintegration programme that addresses all illegal armed groups in a comprehensive manner, including its legal basis, actions to be taken by the Transitional Government and measures requiring immediate implementation, including by MINUSTAH;

(ii) Political transition:

a. Reconciliation. To assess the status of the national dialogue and the steps to be taken by the Transitional Government, with assistance from MINUSTAH, in this regard;

b. Elections. To assess the state of planning and implementation of the electoral process and to ensure that the elections are held as scheduled;

(iii) Human rights. To assess the human rights situation, including the activities of the Haitian National Police, cases of unlawful detention and the special needs of women and children;

(iv) Development:

a. To assess and encourage the implementation of quick-impact projects that have a direct impact on the well-being of Haitians, in particular those living in the poor urban areas;

b. To explore ways, in coordination with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council, to assist the Transitional Government in the preparation and implementation of development projects in Haiti, as outlined in the Interim Cooperation Framework, and in the establishment of a long-term development strategy;

(v) Institution building. To analyse the evolution of projects and programmes in Haiti concerning the rule of law and security sector reform, including that of the judiciary and of correctional institutions, as well as to assess current needs and challenges in those areas;

(vi) Humanitarian situation. To evaluate the humanitarian situation.

United Nations S/2005/221

Security Council

Distr.: General
1 April 2005
English
Original: French

Draft resolution

The Security Council,

Recalling its resolutions 1528 (2004) of 27 February 2004, 1572 (2004) of 15 November 2004 and 1584 (2005) of 1 February 2005, as well as the relevant statements of its President, in particular those of 16 December 2004 (S/PRST/2004/48) and of 6 November 2004 (S/PRST/2004/42),

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of States on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, and the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement),

Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of Western African States towards re-establishing peace and stability in Côte d'Ivoire, and reaffirming in this regard its full support to the ongoing facilitation mission undertaken by the President of the Republic of South Africa, Mr. Thabo Mbeki, on behalf of the African Union,

Taking note of the report of the Secretary-General dated 18 March 2005 (S/2005/186),

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the mandate of the United Nations Mission in Côte d'Ivoire and of the French forces which support it shall be extended for a period of one month until 4 May 2005;

2. *Calls upon* all Ivorian parties immediately and actively to pursue a lasting and just solution to the current crisis, particularly through the African Union mediation led by President Thabo Mbeki;

3. *Decides* to remain actively seized of the matter.

05-29441 (E) 040405

United Nations S/2005/222

Security Council

Distr.: General
1 April 2005
English
Original: French

Letter dated 21 March 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention the statement issued on 21 March 2005 by the Presidency of the European Union (see annex) concerning the evaluations that the European Commission has carried out in Liberia.

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

05-29373 (E) 040405 040405

Annex to the letter dated 21 March 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

Statement concerning the evaluations that the European Commission has carried out in Liberia, issued on 21 March 2005 by the Presidency on behalf of the European Union

The European Union is closely watching the situation in Liberia, which is at a particularly crucial point in its transition process.

The long years of civil war, systematic looting of resources and atrocities against the population have left significant scars and had a considerable impact on the stability of the whole Mano River region. Now that peace has returned, reconstruction of the country has begun and demobilization, disarmament and reintegration programmes are being implemented, every effort must be made, above all by the Liberian authorities, to enable the country to regain the political, economic and social stability necessary for its development, thus enabling those who are still displaced to return home. In this context, the European Union would point out that no form of impunity can be allowed and those responsible for criminal acts of any kind must be brought to justice, to answer for their actions. Stability is also essential for the welfare of the region's people and for their economic future, to enable them to emerge from the vicious circle of poverty.

The holding of elections on 11 October 2005 will mark a turning point. Given the organizational and logistical problems still to be overcome, the European Union calls on all political forces and on the Liberian transitional authorities as a whole to cooperate with one another in order to ensure strict compliance with the timetable and framework for the conduct of those elections.

Together with its international partners, in particular the United Nations, the United Nations Mission in Liberia, the United States of America, the Economic Community of West African States and the African Union, the European Union is committed to making a considerable effort to this end. At its meeting on 21 March 2005, the International Contact Group for the Mano River Basin will consider many development challenges still faced by Liberia, including the need to complete the country's disarmament, demobilization, rehabilitation and reintegration process.

The European Union also calls on the Liberian authorities to shoulder their responsibilities and to ensure that all of the country's resources are put into its reconstruction and into building its economic future.

The European Union expresses very grave concern about the commitment of Liberia's transitional authorities and political forces to overcoming some of the main unresolved problems, in particular the corruption brought to light by recent reports and evaluations. Some recent information, verifiable on the ground, has shown a significant level of corruption, largely going unpunished. Such corruption damages both the image of the country and the ongoing democratic process and could jeopardize the conduct and international recognition of the elections.

The acceding countries Bulgaria and Romania, the candidate countries Turkey and Croatia,* the countries of the stabilization and association process and potential candidates Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, and the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, align themselves with this statement.

* Croatia continues to be part of the stabilization and association process.

United Nations S/2005/223

Security Council

Distr.: General
4 April 2005

Original: English

Letter dated 4 April 2005 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a communiqué issued by the Government of the Republic of Rwanda at Kigali on Friday, 1 April 2005, concerning the decision of the ex-FAR/Interahamwe (FDLR/FOCA) to disarm unconditionally and return to Rwanda (see annex).

We request that the present letter and its annex be circulated to all members of the Security Council and that they also be issued as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

05-29491 (E) 040405

Annex to the letter dated 4 April 2005 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Communiqué issued by the Ministry of Foreign Affairs and Cooperation of Rwanda at Kigali on 1 April 2005

1. The Government of the Republic of Rwanda has received information that the ex-FAR/Interahamwe forces are now calling themselves FDLR/FOCA, currently operating in the eastern Democratic Republic of the Congo, have made the decision to unconditionally disarm and return to Rwanda. The Government urges the Government of the Democratic Republic of the Congo and the international community to act with dispatch to make sure that the disarmament and return take place expeditiously, in fulfilment of the Lusaka Ceasefire Agreement of 1999, the Pretoria agreement between the Democratic Republic of the Congo and Rwanda of 2002 and the decision of the Peace and Security Council of the African Union in its resolution of 10 January 2005. Rwanda welcomes the commitment of Sant' Egidio Community to join the international community in working for a speedy disarmament and demobilization of these groups.

2. The Government reiterates that the disarmament and demobilization of this group is long overdue, and reminds the international community that failure to do so has been the root cause of wars, conflict and persistent insecurity in the Great Lakes region. It has also allowed the ex-FAR/Interahamwe to attempt to change identities while pursuing the same agenda over the last decade, calling themselves ALIR I, ALIR II and PALIR, and finally FDLR/FOCA, when the United States of America placed ALIR/PALIR on its list of international terrorists in the aftermath of the September 2001 Al-Qaida attack on the United States, in response to the massacre by ALIR/PALIR of Western tourists in Bwindi national park. The Government is convinced that as the world prepares to commemorate the genocide of 1994 for the eleventh year, Rwandans deserve to have the threat of genocide removed from them once and for all.

3. The Government remains committed and ready to receive all former combatants who return to Rwanda, and to assist in their reintegration into Rwanda society. Those Rwandans, who have spent the last decade roaming the forests of the Democratic Republic of the Congo in the service of a misguided and criminal enterprise, deserve a better life and are called upon to join other Rwandans in the building of a better future for all. The Government will spare no effort to assist them and all Rwandans in this noble endeavour.

4. Finally, while the Government understands the need of the Government of the Democratic Republic of the Congo to talk to these genocidal groups to cease their activities on Democratic Republic of the Congo territory and to disarm, the Government is gravely concerned by the information that the United Nations, the European Union and some countries plan to sit at the same table with a group that committed the last horrific genocide of the twentieth century. Rwanda believes that such a course of action would be an indelible blot on the respect, honour and moral standing of the bodies and countries in question. The Government is also gravely concerned that the political leadership of these groups is based in and has an official address in Belgium. This is unacceptable to the Rwandan people, and should be to the whole of humanity.